IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10280 of 2005

Between:

Bommili Suramma, W/o. late Surya Rao,
r/o. Vedurupalli (v)] Sethanagaram (M)
E.G.District.

..... PETITIONER

AND

1 The Addl Agent to the Government,
E.G.District, Rampachodavaram.

2 The Special Deputy Collector ,(TW).
E.G.District, Rampachodavaram.

3 The Mandal Revenue Officer, Sethanagaram(M)
E.G.District,

4 Sarapu Ramanna Dora, S/o. Chinaveerapu Dora,
R/o. Kambalampalem (v) Devipatnam (M)
E.G.District,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court maybe pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of Hec.0.90 (AC.2.35) cents and situated in R.S.No. 253/2 of Kambalampalem, H/o. Sarabhavaram Village, Devipatnam Mandal, E.G.District in pursuance f the order passed by the 2nd respondent in L.T.R.P.No.9/2000 as illegal, arbtirary and unjust and consequently direct the respondents 2 and 3 not to evict the petitioner from the above land pending disposal of the appeal in C.M.A.No. 54/2005

preferred before the 1st respondent and to pass such other order or orders as this Hon'ble court may deem fit and proper.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: NONE APPEARED

The Court at the admission stage made the following :

ORDER:

This writ petition is filed to issue a Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land in R.S.No.253/2 admeasuring Ac.2.35 cents of Kambalampalem Village, Devipatnam Mandal, East Godavari District, in pursuance of the orders of the 2nd respondent-Special Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District, in L.T.R.P.No.9 of 2000 dated 14.08.2002 is arbitrary and illegal.

The claim of the petitioner is that the said land was purchased by her husband in the year 1960 and after his demise, the petitioner has been in possession and enjoyment of the same till date. While so, the 2nd respondent, by an order dated 14.08.2002, ordered eviction of her husband from the land in question for restoration of the same to the Government for onward distribution to eligible tribals. Challenging the same, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents.

It is stated in the affidavit filed in support of the writ petition that against the order of the 2nd respondent in L.T.R.P.NO.9 of 2000 dated 14.08.2002, an appeal has been preferred by the petitioner before the 1st respondent and it is pending.

Therefore, the writ petition is disposed of with a direction to the 1st respondent to dispose of the appeal, if any, preferred by the petitioner against the impugned order, within a period 4(four) weeks from today. If an appeal is already preferred, status quo existing as on today, shall be maintained till the disposal of the appeal. If no appeal is preferred, there is no status quo order.

There shall be no order as to costs.

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28.04.2005

Jsu

To

1 The Addl Agent to the Government,
E.G.District, Rampachodavaram.

2 The Special Deputy Collector ,(TW).
E.G.District, Rampachodavaram.

3 The Mandal Revenue Officer, Sethanagaram(M)
E.G.District,

4 Sarapu Ramanna Dora, S/o. Chinaveerapu Dora,
R/o. Kambalampalem (v) Devipatnam (M)
E.G.District,

5 2 CCs to the G.P for Social Welfare, High Court Buildings,

Hyderabad. (OUT)

6 2 CD copies.